S.B.CRIMINAL MISC. BAIL APPLICATION NO.5651/2007
(Loonchand vs. State of Rajasthan)

DATE OF ORDER : November 27, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Kailash Khilery, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioner that the petitioner has not been named in the FIR and the allegations are against co-accused Mangi Lal and Jhumar Lal. Learned Public Prosecutor submits that the allegations against co-accused Mangi Lal and Jhumar Lal are consistent that they committed the alleged offence.

Having regard to the facts and circumstances of the case and the fact that the case of the petitioner is distinguishable from that of co-accused Mangi Lal and Jhumar Lal, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under

section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Loonchand s/o Ghisulal in CR. No.421/2007, Police Station, Mahamandir, Jodhpur, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-